

REMARKS

Claims 1-4, 6-19, 21-27, 29-30, and 32-35 are Allowable

The Office has rejected claims 1-4, 6-19, 21-27, and 29-30, at paragraphs 3-6 of the Office Action, under 35 U.S.C. §103(a), as being unpatentable over U.S. Patent No. 6,341,160 ("Tverskoy") in view of U.S. Patent Application Publication No. 2002/0162116 ("Read"). Applicants respectfully traverse the rejections.

Independent Claim 1

None of the cited references, including Tverskoy and Read, disclose or suggest the specific combination of claim 1. For example, Tverskoy and Read do not disclose identifying an email address associated with the calling party and preparing an outgoing message including the email address associated with the calling party, as recited in claim 1. In contrast to claim 1, Tverskoy discloses determining the sender of an e-mail command message for an answering machine to verify that the command message is a bona fide command message. (See Tverskoy, col. 7, lines 41-50). Tverskoy does not disclose identifying an email address associated with the calling party and preparing an outgoing message including the email address associated with the calling party, as recited in claim 1. Further, Read does not disclose identifying an email address associated with the calling party and preparing an outgoing message including the email address associated with the calling party, as recited in claim 1. Hence, claim 1 is allowable.

Claims 2-4 and 6-10 depend from claim 1, which Applicants have shown to be allowable. Hence, Tverskoy and Read fail to disclose at least one element of each of claims 2-4 and 6-10. Accordingly, claims 2-4 and 6-10 are also allowable, at least by virtue of their dependency from claim 1.

Independent Claim 11

None of the cited references, including Tverskoy and Read, disclose or suggest the specific combination of claim 11. For example, Tverskoy and Read do not disclose sending a notification to the called party in addition to an outgoing message, where the notification indicates that a new message is available at a remote messaging server, as recited in claim 11. In

contrast to claim 11, Tverskoy discloses a user accessing his or her e-mail account at any time to check for new messages containing voice messages from an answering machine. (See Tverskoy, col. 5, lines 41-43 and lines 54-61). Tverskoy does not disclose sending a notification to the called party indicating that a new message is available at the remote messaging server, as recited in claim 11. Further, Read does not disclose sending a notification to the called party indicating that a new message is available at the remote messaging server, as recited in claim 11. Hence, claim 11 is allowable.

Claims 12-19 depend from claim 11, which Applicants have shown to be allowable. Hence, Tverskoy and Read fail to disclose at least one element of each of claims 12-19. Accordingly, claims 12-19 are also allowable, at least by virtue of their dependency from claim 11.

Independent Claim 21

None of the cited references, including Tverskoy and Read, disclose or suggest the specific combination of claim 21. For example, Tverskoy and Read do not disclose identifying an email address associated with the calling party and composing an email message including the email address associated with the calling party, as recited in claim 21. In contrast to claim 21, Tverskoy discloses determining the sender of an e-mail command message for an answering machine to verify that the command message is a bona fide command message. (See Tverskoy, col. 7, lines 41-50). Tverskoy does not disclose identifying an email address associated with the calling party and composing an electronic mail message including the email address associated with the calling party, as recited in claim 21. Further, Read does not disclose identifying an email address associated with the calling party and composing an electronic mail message including the email address associated with the calling party, as recited in claim 21. Hence, claim 21 is allowable.

Claims 22-27 depend from claim 21, which Applicants have shown to be allowable. Hence, Tverskoy and Read fail to disclose at least one element of each of claims 22-27. Accordingly, claims 22-27 are also allowable, at least by virtue of their dependency from claim 21.

Further, the dependent claims include additional features not disclosed or suggested by Tverskoy and Read. For example, claim 26 recites addressing the electronic mail message to more than one intended recipient. In contrast to claim 26, Tverskoy discloses that any e-mail messages are sent to the user's own e-mail account. (See Tverskoy, col. 5, lines 24-25). Tverskoy does not disclose addressing the electronic mail message to more than one intended recipient, as recited in claim 26. Read also does not disclose or suggest addressing the electronic mail message to more than one intended recipient, as recited in claim 26. For this additional reason, claim 26 is allowable.

Additionally, claim 27 recites attaching a second file to the electronic mail message comprising non-audio information communicated by the calling party. In contrast to claim 27, Tverskoy discloses that each e-mail message has a header conveying information about a voice message, such as the date and time of the call, as well as caller identification information. Tverskoy also discloses a file attached to the e-mail message containing a digital representation of the voice message left by the caller. (See Tverskoy, col. 4, line 65 – col. 5, line 4). Tverskoy does not disclose attaching a second file to the electronic mail message comprising non-audio information communicated by the calling party, as recited in claim 27. Read also does not disclose or suggest attaching a second file to the electronic mail message comprising non-audio information communicated by the calling party, as recited in claim 27. For this additional reason, claim 27 is allowable.

Independent Claim 29

None of the cited references, including Tverskoy, Read, and Gerszberg, disclose or suggest the specific combination of claim 29. For example, Tverskoy, Read, and Gerszberg do not disclose playing a pre-recorded message that prompts the calling party to leave an audio portion of a message and that prompts the calling party to include non-audio data with the message, as recited in claim 29. In contrast to claim 29, Gerszberg discloses a video enabled phone that presents a corporate message on a display screen to a caller on hold. (See Gerszberg, col. 9, lines 57-63). Gerszberg also discloses a graphic icon on the display screen that allows the calling party to leave a video and/or voice message for the company. (See Gerszberg, col. 10,

lines 2-10). Gerszberg does not disclose playing a pre-recorded message that prompts the calling party to leave an audio portion of a message and that prompts the calling party to include non-audio data with the message, as recited in claim 29. In addition, Tverskoy and Read do not disclose playing a pre-recorded message that prompts the calling party to leave an audio portion of a message and that prompts the calling party to include non-audio data with the message, as recited in claim 29. Hence, claim 29 is allowable.

Claim 30 depends from claim 29, which Applicants have shown to be allowable. Hence, Tverskoy, Read, and Gerszberg fail to disclose at least one element of claim 30. Accordingly, claim 30 is also allowable, at least by virtue of its dependency from claim 30.

Further, Applicants submit that there is no suggestion or motivation to make the asserted combination of references either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. In particular, combining the telephone messaging systems of Tverskoy and Read with the corporate message display screen of Gerszberg would change the principle of operation of Tverskoy and Read. Tverskoy discloses an answering machine that plays an announcement to a caller and then provides a tone indicating to the caller that a message may be recorded on the answering machine. (See Tverskoy, col. 3, lines 21-25). Read discloses an answering machine module that plays an outgoing message if a subscriber does not answer within a specified number of rings and recording a message from the calling party that the subscriber may later retrieve. (See Read, paragraph [0065]). Neither Tverskoy nor Read disclose or suggest the use of answering machines that present display screens to callers using video enabled phones, where the display screens give the caller the option of leaving a video and/or voice message, as disclosed in Gerszberg. (See Gerszberg, col. 9, line 57 – col. 10, line 14). Thus, modifying the answering machines of Tverskoy and Read to present display screens to callers using video enabled phones for the purpose of leaving messages for the called party would require a substantial reconstruction and redesign of the elements shown in Tverskoy and Read. Therefore, the rejection of claims 29 and 30 over the combination of Tverskoy, Read, and Gerszberg is improper and should be withdrawn.

Independent Claim 32

The Office has not provided any grounds for the rejection of claims 32-35. However, none of the cited references, including Tverskoy, Read, and Gerszberg, disclose or suggest the specific combination of claim 32. As mentioned above, Tverskoy, Read, and Gerszberg do not disclose prompting a calling party to leave an audio portion of a message and prompting the calling party to leave a non-audio portion of the message, as recited in claim 32. Hence, claim 32 is allowable.

Claims 33-35 depend from claim 32, which Applicants have shown to be allowable. Hence, Tverskoy, Read, and Gerszberg fail to disclose at least one element of each of claims 33-35. Accordingly, claims 33-35 are also allowable, at least by virtue of their dependency from claim 32.

Further, the dependent claims include additional features not disclosed or suggested by Tverskoy, Read, and Gerszberg. For example, claim 35 recites the messaging engine addressing the outgoing message to one or more intended recipients. In contrast to claim 35, Tverskoy discloses that any e-mail messages are sent to the user's own e-mail account. (See Tverskoy, col. 5, lines 24-25). Tverskoy does not disclose addressing the electronic mail message to more than one intended recipient, as recited in claim 35. Read and Gerszberg also do not disclose or suggest the messaging engine addressing the outgoing message to one or more intended recipients, as recited in claim 35. For this additional reason, claim 35 is allowable.

Additionally, as mentioned above, a rejection of claims 32-35 over the combination of Tverskoy, Read, and Gerszberg would be improper because there is no suggestion or motivation to make the asserted combination of references either in the references themselves or in the knowledge generally available to one of ordinary skill in the art.

CONCLUSION

Applicants have pointed out specific features of the claims not disclosed, suggested, or rendered obvious by the references applied in the Office Action. Accordingly, Applicants

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respectfully request reconsideration and withdrawal of each of the objections and rejections, as well as an indication of the allowability of each of the pending claims.

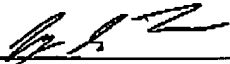
Any changes to the claims in this amendment, which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

The Examiner is invited to contact the undersigned attorney at the telephone number listed below if such a call would in any way facilitate allowance of this application.

The Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,

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Date


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